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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/344,863	06/28/99	SCHLUETER E	D/99006

EXAMINER	
HON, S	
ART UNIT	PAPER NUMBER
1772	17

IM52/1026

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DATE MAILED: 10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Applicati n No. 09/344,863	Applicant(s) CHLUETER ET AL.	
	Examiner Sow-Fun Hon	Art Unit 1772	

--The MAILING DATE of this communication appears on the cov r sheet with th correspond nc address --

THE REPLY FILED 05 October 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See attachment to advisory action.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *Attachment to advisory action.*

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Attachment to Advisory Action

1. The request for reconsideration in Paper # 16 (filed 10/05/01) has not been entered. The arguments presented by Applicant has been carefully considered but deemed unpersuasive.

2. Applicant argues that Tarumi et al. does not teach or suggest the use of a thiophene-based material as a coating. Tarumi et al. teaches that the conductive layer 140 of the toner carrier belt can be used to control an image with the application of a bias voltage between the conductive layer and the electrode of the photosensitive member, and that a conductivity over 10^{-10} mho/cm is desirable ('868, column 3, lines 44-48). The belt is for use in electrophotography (electrostatic photographic copying) ('868, column 1, lines 5-20).

a. Tarumi et al. fails to teach the claimed polythiophene material as the conductive layer. Jonas et al. is being used as the secondary reference to compensate for the deficiencies of Tarumi et al.

b. Jonas et al. teaches that the electrically conductive polythiophene coatings are used in areas of application which require good electrical conductivity such as electrophotography ('515, column 3, lines 5-15), providing the motivation to use the coating of Jones et al. as the conductive layer in the electrophotographic belt of Tarumi et al.

c. Newkirk et al., as the other secondary reference, compensates for the lack of description of the fluororesin taught by Tarumi et al., and cites prior art which teach the use of vinylidene fluoride-hexafluoropropylene-tetrafluorethylene polymers (column 2, lines 26-34) which can be cured with a crosslinking agent (monomer) (column 4, lines 19-24) to obtain the desired physical properties as known by one of ordinary skill in the

art. Newkirk et al. teaches that the elastomeric fluoropolymer resists degradation at high temperatures as well as absorption of fuser oil ('505, column 4, lines 13-25) in a belt in the field of electrophotography ('505, column 1, lines 10-35), providing the advantage and thus motivation to use that specific fluoropolymer as the fluororesin in the electrophotographic belt of Tarumi et al., the primary reference. Newkirk et al. also teaches the interchangeability of silicone elastomers and fluoroelastomers ('505, column 1, lines 45-52).

2. Applicant argues that both Jonas et al. and Newkirk et al. do not teach the specific substrates of Tarumi et al. Applicant is respectfully reminded that the motivations to combine Jonas et al. and Newkirk et al. with Tarumi et al. do not depend on the substrates being the same, and have been discussed above.

3. Applicant argues that there would be no expectation for success that a polythiophene layer as taught by Jonas et al. would work well with the substrate materials disclosed by Tarumi et al. Applicant is respectfully reminded that Tarumi et al. only requires that the conductive layer have good electrical conductivity. Since Jonas et al. teach that the polythiophene layer has good electrical conductivity and is used in electrophotography, the expectation for success is already present. Jonas et al. does not teach away from using the conductive layer with the substrate materials disclosed by Tarumi et al. since Jonas et al. does teach organic polymers as being suitable substrates. In addition, Tarumi et al. teaches that polyester and polycarbonate can also be used in place of fluororesin as a substrate for the electrophotographic belt ('868, column 4, lines 10-20).

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH
10/18/01

HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

10/25/01